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Attorney for Plaintiffs
 Shoreside Petroleum, Inc.,
 d/b/a Marathon Fuel Service
 and Metco, Inc.

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA for the)	
use of NORTH STAR TERMINAL &)	
STEVEDORE COMPANY, d/b/a Northern)	
Stevedoring & Handling, and NORTH)	
STAR TERMINAL & STEVEDORE COMPANY,)	
d/b/a Northern Stevedoring & Hand-)	
ling, on its own behalf,)	
)
Plaintiffs,)	
)
and)	
)
UNITED STATES OF AMERICA for the)	
use of SHORESIDE PETROLEUM, INC.,)	<u>SHORESIDE'S AND METCO'S</u>
d/b/a Marathon Fuel Service, and)	<u>OPPOSITION TO NUGGET'S</u>
SHORESIDE PETROLEUM, INC., d/b/a)	<u>MOTION TO EXTEND</u>
Marathon Fuel Service, on its own)	<u>DEADLINE FOR</u>
behalf,)	<u>EXPERT REPORT</u>
)
Intervening Plaintiffs,)	
)
and)	
)
METCO, INC.,)	
)
Intervening Plaintiff,)	
)
vs.)	Case No. A98-0009-CV (HRH)
)
NUGGET CONSTRUCTION, INC.; SPENCER)	
ROCK PRODUCTS, INC.; UNITED STATES)	
FIDELITY AND GUARANTY COMPANY; and)	
ROBERT A. LAPORE,)	
)
Defendants.)	

COMES NOW Shoreside Petroleum, Inc., d/b/a Marathon Fuel Service ("Shoreside") and Metco, Inc. ("Metco"), by and through counsel, and file this Opposition To Nugget's Motion To Extend Deadline For Expert Report.¹

The parties agreed to the deadlines that were then ordered by the court.² The parties agreed and the court ordered one deadline for all parties to exchange expert reports on February 14 and one deadline for the close of discovery on March 31. The schedule allows all the parties over six weeks (February 14 - March 31) to depose the expert or other individuals involved in preparing the report. The undersigned calendared every other matter and case around these deadlines and intends to be out of the state in April.

Nugget Construction filed a Motion To Extend Deadline For Expert Report on the afternoon that expert reports were to be served. One attorney with Nugget appears to have been finalizing and filing the motion while another was preparing an e-mail note to counsel requesting an extension of time.

Nugget identified a Mr. Millikin as an expert in December, 2005 regarding "practices and contractual relationships between owners and general contractors and lower tier subcontractors and suppliers on federal projects, including without limitation, the handling of pay estimates and payments, back charges and

¹ Clerk's Docket No. 442. Nugget appears to be the only defendant filing a motion seeking an extension. USF&G filed a notice regarding an expert that is both untimely and unsupported.

² Clerk's Docket Nos. 414 and 415.

subcontractor and supplier default.³ Nugget does not disclose the real reasons he could not file a timely report. Nugget needed an excuse to support the effort to obtain more time. Nugget stated that it seeks to take the deposition of Jack Goodwill, a former North Star employee, who provided affidavits years ago in this case. Although more than two weeks have passed since the motion was filed, Nugget has not acted on its representation that it needs to take Mr. Goodwill's deposition. Nugget has not even noticed his deposition; few open dates remain this month. Mr. Goodwill's possible testimony has nothing to do with the subject matter of the proposed testimony of Mr. Millikin. Nugget did not need to take any other depositions for their expert to prepare his report. Nugget has not represented that it needs to take any more depositions of employees of either Shoreside Petroleum and/or Metco. Mr. Millikin could have issued his report by February 14 and supplemented it with any new information.

By example, Rule 56(f) requires a party seeking an extension of discovery to submit an affidavit stating the reasons for an extension. Nugget has provided no affidavit or plausible explanation.

For these reasons, the motion should be denied.

DATED this 2nd day of March, 2006.

³ Clerk's Docket No. 423.

THE LAW OFFICE OF STEVEN J. SHAMBUREK
Attorney for Plaintiffs
Shoreside Petroleum, Inc., d/b/a Marathon
Fuel Service and Metco, Inc.

/s/ Steven J. Shamburek
By: _____

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 2nd day of March, 2006, a copy of the foregoing was served by the Electric Case Filing system on the attorneys of record.

/s/ Steven J. Shamburek

Steven J. Shamburek